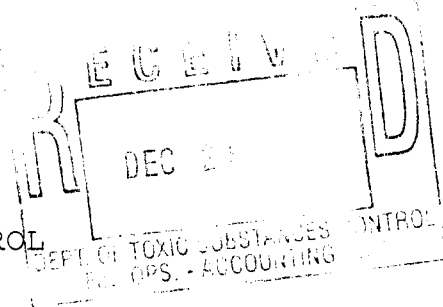


STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL



In the Matter of:) Docket No. SRPD 00/01
) NNS-2057
Superior Metal Finishers) STIPULATION AND ORDER
414 Umbarger Road)
San Jose, CA 95111) Health and Safety Code
) Section 25187
EPA ID No. CAD981394794)
Respondent.)

The State Department of Toxic Substances Control (Department) and Superior Metal Finishers (Respondent) enter into this Stipulation and Order (Order) and agree as follows:

1. A dispute exists regarding the following violation as noted in the Summary of Violation issued by the Department on August 14, 2000, a copy of which is attached as Exhibit A:

On or about January 1, 1997 Respondent did violate Health and Safety Code, section 25200.14(b) in that Respondent failed to submit a Phase I Environmental Assessment.

2. The parties wish to avoid the expense of further litigation and to ensure prompt action to achieve the Schedule for Compliance below.

3. Jurisdiction exists pursuant to Health and Safety Code (HSC) section 25187.

4. Respondent waives any right to a hearing in this matter.

CK 6231
\$2,000.00
12/20/01
FP 0.121

5. This Order shall constitute full settlement of the violations alleged in the Enforcement Order, but does not limit the Department from taking appropriate enforcement action concerning other violations.

SCHEDULE FOR COMPLIANCE

6.1. Respondent submitted a Phase I Environmental Assessment (Phase I Checklist) with the Department as required by HSC section 25200.14(b)(1) and Title 22, California Code of Regulations, section 67450.7(a)(3) on August 17, 2000.

6.2. Respondent shall send two employees to attend the California Compliance School to complete hazardous waste training Modules I, II, III, IV and V. Respondent must submit, for both employees, Certificates of Satisfactory Completion issued by the California Compliance School, to the Department within 185 days of the effective date of this Order. The Certificates of Satisfactory Completion shall be submitted to:

Lawrence Wong, Section Chief
Northern California Branch
State Regulatory Programs Division
Department of Toxic Substances Control
700 Heinz Avenue, Suite 210
Berkeley, California 94710-2721

PAYMENTS

7.1. Within 30 days of the effective date of this Order, Respondent shall pay the Department a total of \$2,000, as reimbursement of the Department's enforcement costs. Respondent's check shall be made payable to Department of Toxic

Substances Control, and shall identify the Respondent and Docket Number, as shown in the heading of this case. Respondent shall submit the payment together with a copy of this Order to:

Department of Toxic Substances Control
Accounting Office
400 P Street, 4th Floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check shall be sent to:

Lawrence Wong, Section Chief
Northern California Branch
State Regulatory Programs Division
Department of Toxic Substances Control
700 Heinz Avenue, Suite 210
Berkeley, California 94710-2721

If Respondent fails to submit the Certificates of Satisfactory Completion and fails to make the additional payment as provided above, Respondent agrees to pay interest at the rate established pursuant to HSC § 25360.1 and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

7.2 If Respondent fails to submit the Certificates of Satisfactory Completion as required in Section 6.2 above, Respondent shall pay the Department an additional \$2,000.00 as penalty within 30 days after the expiration of the 185-day period. The payment of the additional \$2,000.00, together with a copy of this Order, shall be sent to:

Department of Toxic Substances Control

Department of Toxic Substances Control
Accounting Office
400 P Street, 4th Floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check shall be sent to:

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If Respondent fails to submit the Certificates of Satisfactory Completion and fails to make the additional payment as provided above, Respondent agrees to pay interest at the rate established pursuant to HSC 25360.1 and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

8. Effective Date: The effective date of this Order is the date it is signed by the Department.

Dated: 12-20-2k

Anthony L. Marchese
Signature of Respondent's Representative

Dated: 12-20-2k

Anthony L. Marchese
Typed or Printed Name and Title of Respondent's Representative

Dated: 1-5-01

Lawrence Wong
Lawrence Wong, Section Chief
Northern California Branch
State Regulatory Programs Division
Department of Toxic Substances Control